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OGC HAS REVIEWED.

4 June 1953

MEMORANDUM FOR: Deputy Director (Administration)

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SUBJECT: [REDACTED]

"Provision of Quarters Overseas"

REFERENCE: Memorandum from SA/DD/A to DD/A dated 20 May 1953,
Subject as Above.

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1. [REDACTED] was written as the implementing regulation to the DCI's memorandum of 5 December 1952 wherein the policy of this Agency was stated to be to provide quarters in kind, with utilities, at Agency expense for Agency personnel and their dependents stationed in foreign countries. During the development of the aforesaid regulation, the topic of temporary lodging allowances was discussed. It was recognized by those participating in the discussion that the real and pressing problem in the quarters picture was the long-term financial hardships confronting some of our employees in foreign areas. Though the temporary lodging allowance was not satisfactory and obviously would occasion some financial loss, its short-term characteristics were not considered sufficiently compelling for positive inclusion in the regulation. For this reason, the exceptive provision, vis, [REDACTED] was inserted as a part of the regulation, though logically as the attached memorandum of the SA/DD/A to the DD/A states, there is the same general argument to providing temporary lodging in lieu of temporary lodging allowances as there is to providing permanent quarters in lieu of quarters allowances.

2. The subsequent grant to the Senior Representative to lease transient quarters and to provide them without cost to transient employees in lieu of a temporary lodging allowance reflects, to the extent of the mission concerned, a modification of the announced policy under [REDACTED] which modification while possessing inherently difficult administrative aspects, falls short of being legally objectionable.

3. The undesirable temporary lodging allowance situation in Germany has existed over a year. I believe its history to be pertinent and offer the following comments as being helpful. The Department

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of State has yet to be requested to establish an alternate temporary lodging allowance rate where Government controlled temporary lodgings are not available or do not exist. This matter was informally broached to representatives of State over a year ago and we received an expression of willingness to cooperate with this Agency in the prescription of an adequate rate. The contraction of the [REDACTED] Mission allegedly alleviated the conditions concerned and the request for remedial action was withdrawn. Another factor deserves comment. A considerable number of non-employees arrive in [REDACTED] with the benefits of the Standardized Allowance Regulations as a vital part of their contractual agreement. Temporary lodging allowance facilities are generally made available through the Military Establishment which usually attaches a condition that such facilities are for employees only. Therefore, even under the existing delegations to the Senior Representative, the temporary lodging allowance problem is not necessarily solved as long as the Mission concerned is dependent upon the Military Establishment for the acquisition of space. This comment concerning non-employee types is made as it might affect any presentation to be made to the Secretary of State. In the event that good and sufficient reasons exist for not approaching the Secretary of State, it would then follow that the DCI could prescribe a rate under the authority of Executive Order 10100. Consistent with the foregoing, this office concurs with recommendation 4.b. of the referenced memorandum.

4. If alternate rates are prescribed, regardless of source, assuring adequate recognition of the financial problem, the withdrawal of the authority of the Senior Representative to lease temporary lodging facilities is a matter of administrative concern. Such facts as control of arriving personnel, accessibility to station or mission personnel, minimum exposure to local conditions and persons, at least for a temporary period, might well serve as a basis for continuing the exercise of the authority concerned.

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[REDACTED]

Assistant General Counsel

Attachment

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